

IN THE HIGH COURT OF JUDICATURE AT PATNA
CWJC No.12458 of 2006
KAUSHAL KUMAR
Versus
THE STATE OF BIHAR & ORS

4. 21/08/2008 Heard learned counsel for the petitioner,
learned counsel for the State as well as learned
counsel for the University.

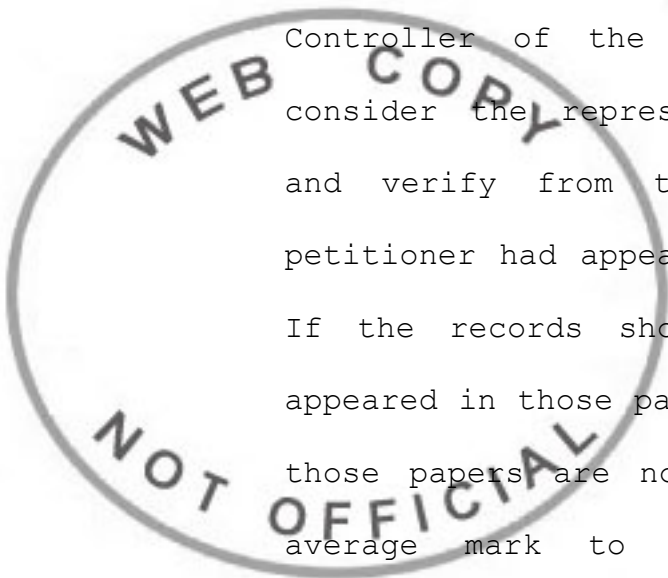
In spite of specific order dated
18.7.2008, no counter affidavit has been filed
on behalf of the University.

In this writ application, petitioner has
sought for a direction to the respondent
University to declare his result of B.Ed.
Examination by granting him grace marks in the
subject Education Psychology (Paper-II) and by
awarding marks in the subject History of
Education. It is submitted that although
petitioner had appeared in the examination of
those two papers which was held on 25.2.1997,
but in the tabulation register, copy whereof was
forwarded to the College, he was shown as
absent.

Petitioner has filed representation
before the Examination Controller duly forwarded
by the Principal of the College, as is evident

from Annexure-4. The Principal has made a note on the representation of the petitioner that he had actually appeared in the said examination. It appears that the petitioner had subsequently also filed representations before the Examination Controller, which is evident from Annexure-5 series, but there is nothing on record to show that till now the Examination Controller has considered the same.

In the circumstances, since no counter affidavit has been filed on behalf of the respondent University, the Examination Controller of the University is directed to consider the representation of the petitioner and verify from the records as to whether petitioner had appeared in those papers or not. If the records show that the petitioner had appeared in those papers but his answersheets of those papers are not available, he will grant average mark to the petitioner. In case, answersheets of the petitioner are available, the same shall be evaluated and the marks obtained shall be entered in his result and his result shall be declared. It is expected that the Examination controller shall examine the



matter and pass appropriate orders in accordance with law within a period of two months from the date of receipt/production of a copy of this order with communication to the petitioner.

In the result, this writ application is disposed of with above observations and directions.

Pradeep/

(J. N. Singh, J.)

